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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 13 May 2005 from the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) of 15 October 1999, and has the honour to transmit herewith for the attention of the Committee the report of the Government of the Republic of Trinidad and Tobago, pursuant to resolutions 1267 (1999) and 1455 (2003) (see annex).

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Annex to the note verbale dated 13 May 2005 from the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Chairman of the Committee

Questionnaire RE: Trinidad and Tobago's position

Security Council resolutions 1267 (1999) and 1455 (2003) concerning money-laundering and suppressing the financing of terrorism

I
INTRODUCTION

1. **Please provide a description of activities, if any, by Usama Bin Laden, Al Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends**

There has been no discernable activity of Usama Bin Laden, Al Qaida, the Taliban and their associates in Trinidad and Tobago. There is, at present, no intelligence to suggest that they pose a threat to the country or to the region.

II
CONSOLIDATED LIST

2. **How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

The 1267 Committee's List has not been incorporated into Trinidad and Tobago' legal system. However, the said List and the subsequent updates are circulated by the Ministry of Foreign Affairs to all relevant authorities, including financial supervision, the police, immigration control, customs and consulate authorities, on the basis of required administrative procedures.

3. **Have you encountered any problems with implementation with regard to the names and identifying information, as currently included in the List? If so, please describe the problems.**

Trinidad and Tobago has encountered no problems with implementation with regard to the names and identifying information currently included in the List.

4. **Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.**

No designated individuals or entities associated with Usama bin Laden and the Taliban have been identified inside this territory.

5. **Please submit to the Committee, to the extent possible the names of individuals or entities associated with Usama bin Laden or members of the Taliban or Al Qaida that have not been included in the List, unless to do so could compromise investigations or enforcement actions.**

There are no known individuals or entities associated with Usama Bin Laden or members of the Taliban or Al Qaida known to the authorities that have not been included in the list.

6. **Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.**

No listed individuals or entities have brought a lawsuit or engaged in legal proceedings against Trinidad and Tobago's authorities for inclusion in the list.

7. **Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

None of the listed individuals have been identified as nationals or residents of Trinidad and Tobago. This country's authorities have no relevant information about the listed individuals not already included in the List.

8. **According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al Qaida training camps established in your territory or in another country.**

The Military Training (Prohibition) Act 1996 prohibits the training, drilling and equipping of persons with firearms, ammunition, artillery or explosives and the practice of military exercises otherwise than permitted under any written law.

III
FINANCIAL AND ECONOMIC ASSETS FREEZE

9. **Please describe briefly:**
   - **The domestic legal basis to implement the asset freeze required by the resolutions above**
   - **Any impediments under your domestic law in this context and steps taken to address them**

Provision is made under the Anti-Terrorism Bill, 2004, which is being debated in the Upper House of Parliament.

10. **Please describe any structures or mechanisms in place within your government to identify and investigate Usama bin Laden, Al Qaida or Taliban-related financial networks or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

National agencies with information gathering, investigative, enforcement and operational authority are authorized to identify and investigate Usama bin Laden, Al Qaida or Taliban-related financial networks and those providing support thereto. These agencies coordinate their efforts through a combination of administrative and legal procedures.

11. **Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of Usama Bin Laden or members of the Al Qaida or the Taliban, or associated entities or individuals . Please describe any 'due diligence' or 'know your customer' requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.**

Banks and other financial institutions have been provided with the 1267 Committee List and are required to treat any transaction with a person/entity on the list as suspicious and submit Suspicious Transaction Returns to the Financial Investigations Unit (FIU). Such reports/returns will trigger an investigation and the need to assist in locating and identifying assets held for such parties.

The 'due diligence' and 'know your customer' requirements are specified in Section 4 of the Central Bank of Trinidad and Tobago Guidelines on Combating Money Laundering and Terrorist

Financing. These guidelines are accessible on the bank's website and are fully compliant with the standards specified in the Revised Forty and Nine Special FATF Recommendations.

These requirements are enforced through internal controls, compliance functions and external review by the Central Bank, the FIU, Auditors, CFATF and the World Bank/IMF.

12. **Resolution 1455 (2003) calls on member states to provide " a comprehensive summary of frozen assets of listed individuals and entities." Please provide a list of assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to 1267 (1999), 1333(2001), and 1390(2002). Please include, to the extent possible, in each listing the following information:**
   - **Identification(s) of the person(s) or entities whose assets have been frozen**

- **A description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property and other assets)**
- **The value of assets frozen**

There are no persons or entities whose assets have been frozen.

13. **Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama bin Laden or members of the Al Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.**

No funds, financial assets, or economic assets previously frozen, and belonging to Usama bin Laden, or members of the Al Qaida or the Taliban or associated individuals or entities have been released pursuant to resolution 1452 (2002).

14. **Pursuant to resolutions 1455 (2003), 1390(2001), 1333(2000) and 1267(1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:**

- **The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the committee, or who have otherwise been identified as members or associates of al Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

- **Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

- **Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds, and other related items.**

- **Restrictions or regulations, if any, applicable to alternate remittance systems such as—or similar to—'hawala' , as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.**

- METHODOLOGY – the methodology used is that of circular letters, meetings, ongoing contact with compliance officers and training sessions.
  The financial institutions to which the methodology applies are: banks and non banking institutions including: insurance companies, credit unions, bureaux de change, money remittance entities, building societies, cooperatives, money dealers, investment advisers, postal agencies, real estate dealers, motor vehicle dealers, courier services, gaming houses, pool betting shops, national lottery online, and jewelers.

- REQUIRED BANK REPORTING PROCEDURES – suspected transactions have been reported by banks, on their volition, using the "Suspicious Activity Reports" (SAR) reporting procedure. These reports

are then directed to the designated authority and reviewed and evaluated by the Financial Investigations Unit (FIU). All suspicious activity reports, immediately upon receipt, are initially analyzed with a view to determining the identity and existence of persons/businesses/organizations, named on the Suspicious Activity Reports. Subsequently, this information is then keyed onto the FIU's existing database of SARs and analyzed using relevant software applications.

- RESTRICTIONS ON PRECIOUS COMMODITIES Import and export permits are not required. Trinidad and Tobago is not a producer of such precious commodities as gold, diamonds and jewels. In the case of import, such precious commodities usually arrive by air in the care of the Captain of the aircraft who informs Customs of the importer. The goods are examined in the presence of the clerk sent by the jewellery store to which they are consigned. If the goods arrive as cargo they are locked in the Valuables Cage until the arrival of the consignees' agent when they are examined by Customs in his presence. In the case of re-export, such precious commodities are placed in the care of the Captain of the aircraft if they are going by air or the Purser if they are leaving by sea.

- RESTRICTIONS OR REGULATIONS, if any, applicable to alternate remittance systems - generally, any group can be incorporated under the Companies Act 1995, a non-profit company is usually limited by guarantee. Companies seeking approval as charitable organizations must submit an application to the Board of Inland revenue. The Board then reviews the company's documents of incorporation and its financial statements to ascertain that the objects of the company are charitable in nature and that the funds raised by the organization are not distributed to its own members for personal gain.
Subject to satisfactory assessment, the Board will make a recommendation to the Ministry of Finance, which will then issue an approval of the charitable status of the organization. Organizations receiving approved charitable status are required to submit their annual financial statement to the Ministry of Finance.

The remittance system of "Hawala" does not obtain in this jurisdiction.

IV
TRAVEL BAN

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of listed individuals (paragraph 1 of resolution 1455(2003), paragraph 2b of resolution 1390 (2002).

15. **Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.**

- Legislative – the Listed Individuals would be covered under the "Prohibitive Class" of the Immigration Act Chapter 18.01
- Administrative – the Listed Individuals are placed on record in the Immigration Data Base

16. **Have you included the names of the listed individuals in your nation 'stop list' or border checkpoint list? Please briefly outline steps taken and any problems encountered.**

The names of listed individuals have been included on the national stop list/border checkpoint lists. No problems have been encountered. The List is available in hard copy at authorized points of entry, such as airports and seaports.

17. **How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?**

The updated List is transmitted to border authorities as often as modifications are made to it. Electronic databases are accessible for searching at the country's two (2) international airports and at major seaports.

18. **Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.**

No

19. **Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?**

The List has been forwarded in hard copy form, by way of circular memorandum to all of our diplomatic and consular Missions. At present, there are no reference databases at our Consular offices. No visa applicant has been identified, to date, whose name is on the List.

V

ARMS EMBARGO

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale and transfer, to Usama bin Laden, members of Al-Qaida organization, and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related material of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2 (c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003)

20. **What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of the Al Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?**

The Firearms Act prohibits the illicit acquisition of arms and ammunition.

21. **What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of the Al-Qaida organization and the Taliban and other individuals, groups, undertakings, and entities associated with them?**

Trinidad and Tobago is neither a producer nor an exporter of arms, ammunition and other related material. Insofar as transshipment measures are concerned there are appropriate border controls in place.

22. **Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of Al Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.**

Not applicable. There are no arms brokers in Trinidad and Tobago.

23. **Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama bin Laden, members of the Al-Qaida organization and the Taliban another individuals, groups, undertakings and entities associated?**

Not applicable. Trinidad and Tobago is not a producer of weapons and ammunition.

VI
ASSISTANCE AND CONCLUSION

24. **Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.**

Trinidad and Tobago would be willing to provide assistance to other states to help implement the measures contained in the above-mentioned resolutions.
Additionally it may be noted that Trinidad and Tobago has concluded Mutual Legal Assistance Treaties with Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America. These provide for, inter alia, reciprocal assistance in matters pertaining to crimes committed within each other's territory.

25. **Please identify areas, if any, of any incomplete implementation of the Taliban/Al Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.**

The Anti-Terrorism Bill, which has been passed in the House of Representatives and is being debated in the Senate, whereupon it will become law, would, under Clause 4 make it an offence or any person to directly or indirectly, provide financial or other related services for the purpose of committing or facilitating the commission of a terrorist act, or for the benefit of any person who is committing or facilitating the commission of a terrorist act.

Clause 5 would make it an offence for a person to provide or make available money or other property, with the intention, knowledge or reasonable belief that it would be used to carry out a terrorist act.

Clause 6 would prohibit the use of property, directly or indirectly for the purpose of committing or facilitating the commission of a terrorist act. This clause would also prohibit the possession of with the intention that it be used or with the knowledge that it would be used for the purpose of committing or facilitating the commission of a terrorist act.

Clause 7 would prohibit arrangements that would facilitate the acquisition, retention, or control by or on behalf of another person of terrorist property, whether by concealment, removal out of the jurisdiction, transfer to a nominee or in any other way.

Clause 8 would make it an offence to knowingly deal in any terrorist property, acquire or possess terrorist property, enter into any transaction in respect of terrorist property, convert, conceal or disguise terrorist property or provide financial or other services in respect of terrorist property.

Clause 9 would prohibit the soliciting and giving of support to a terrorist group or to the commission of a terrorist act.

Part 8 deals with seizure and forfeiture property. Clause 34 would empower any customs officer, immigration officer or police officer to apply to a judge in Chambers for a restraint order in respect of property he has reasonable grounds to believe is intended for use in the commission of a terrorist act or that the property is terrorist property.

Clause 35 would enable the forfeiture of property used in the commission of terrorist acts or property obtained as proceeds of crime where a person has been convicted of a terrorist offence.

Clause 36 would empower the Director of Public Prosecutions to apply to a judge in Chambers, where he has reasonable grounds to believe that there is property in a building, place or vessel in respect of which a forfeiture order may be made under clause 37, for a warrant authorizing a police officer to search for and seize the property, if found. The Director of Public Prosecutions would also be empowered to apply for a restraint order to prevent any person from disposing of or otherwise dealing with any interest in that property. The judge would be empowered to make certain orders in respect of the property as required.

Clause 37 would enable the Attorney General to apply to judge of the High Court for an order of forfeiture in respect of terrorist property. Any person who has an interest in the property would be notified and would be entitled to be a respondent to the application. Any interested party who has not been notified would be entitled to apply to the High Court to vary or set aside the order within sixty days of its making.

Trinidad and Tobago is engaged on a continuing basis in the monitoring and strengthening of its administrative, regulatory and legal frameworks to build its own capacity in implementing the sanctions regime.

26. **Please include any additional information you believe pertinent.**

Not applicable